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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Letter dated 8 December 1993 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to advance the following comments of the Government of the Federal Republic of Yugoslavia concerning the resolutions entitled "Situation of human rights in the former Yugoslavia: Violations of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)" and "Rape and abuse of women in the territory of the former Yugoslavia", which were adopted in the Third Committee of the General Assembly on 8 and 6 December 1993 respectively.

The comments also pertain to the positions of the Federal Republic of Yugoslavia regarding several statements and accusations about the human rights situation in the territory of the former Yugoslavia made in the debate in the Third Committee under agenda item 114.

1. The Federal Republic of Yugoslavia has always attached great importance to the question of human rights and has actively cooperated with the United Nations in the sphere of promotion and protection of human rights.

The resolution entitled "The situation of human rights in the former Yugoslavia: Violations of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia" does not represent an attempt towards the improvement of the situation in the field of human rights in the former Yugoslavia. On the contrary, its aim is to discriminate against the whole Serbian nation through one-sided and false accusations and distorted facts.

By singling out the violations of human rights only in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia, the resolution departs from the integral approach to the situation in the former Yugoslavia that the United Nations, the European Community and the Conference on Security and Cooperation in Europe (CSCE) adopted from the very beginning of the crisis. The resolution considerably departs from the scope of the previous resolutions as well as the reports of the Special Rapporteur for the situation of human rights in the territory of the former Yugoslavia, Mr. T. Mazowiecki, which pertains to the situation of human rights in the entire territory of the former Yugoslavia. It is particularly inconsistent that the resolution refers to violations of human rights in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia considering that the International Tribunal was established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia.

The main violations of human rights in the territory of the former Yugoslavia took place as a result of the violent disintegration of the Socialist Federal Republic of Yugoslavia, which was brought about by forcible, unilateral and unconstitutional secession by former Yugoslav republics. Separatist tendencies were supported by some influential members of the international community, which led to the premature recognition of the secessionist republics before an overall political settlement had been reached. Contrary to international law and the CSCE principles on the inviolability of State borders, priority was given to internal administrative borders over the external internationally recognized ones.

The international community accepted and even encouraged the breakup of the Socialist Federal Republic of Yugoslavia. By granting the right of self-determination to the republics of the former Yugoslavia instead of to its peoples, this right was denied only to the Serbs. The basic right of the Serbs in Croatia and Bosnia and Herzegovina and their will to remain in Yugoslavia were rejected. The Serbs have been proclaimed aggressors in their own land where they have lived for centuries and are now struggling to survive.

2. Yugoslavia has fully accepted the Vance Plan and has invested efforts that it be implemented. Unfortunately, the main goal of the establishment of the United Nations Protected Areas (UNPAs), the protection of the Serbian population, has not been achieved owing to Croatia's repeated flagrant aggression against the innocent Serbian civilians in UNPAs in total disregard of the relevant resolutions of the Security Council.

During the course of 1993, the regular Croatian army has on several occasions carried out aggression against the Serbian population in UNPAs, wreaking havoc for the third time this century by committing genocide against the Serbs. Each aggression of the Croatian army resulted in tragic consequences for the Serbian civilians. On 9 September 1993 the "scorched land" offensive of the Croatian troops on UNPAs took a heavy toll in human lives - 66 Serbs were bestially murdered.

The Federal Republic of Yugoslavia considers that the establishment of a cease-fire and normalization of communication and transport links and the

infrastructure between Krajina and Croatia are imperative. Once these first steps have been taken and the tensions subside, favourable conditions could arise for political negotiations to resume. It is our principled position that the political solution can only be found through direct negotiations between the Krajina Serbs and the Croatian authorities.

3. The Federal Republic of Yugoslavia is not a party to the civil, ethnic and religious war in Bosnia and Herzegovina. Ever since the onset of the crisis, the Federal Republic of Yugoslavia has sought to bring about a peaceful solution to the crisis in Bosnia and Herzegovina on the basis of respect for the legitimate interests of all three constituent peoples. In spite of harsh and unprecedented sanctions imposed against the Federal Republic of Yugoslavia, the leaders of Yugoslavia and its two republics did their utmost to support the peace process and facilitate a negotiated solution. Particular efforts were invested to influence the Bosnian Serb party to search for a compromise on which peace could be built. It is indeed the Bosnian Muslims that are now rejecting the peace plan and call for compromise.

The Federal Republic of Yugoslavia already last year offered to allow humanitarian aid convoys to reach Bosnia and Herzegovina through the territory of Yugoslavia. Recently, it offered a new safe and efficient corridor from the port of Bar to Sarajevo. It also takes care of close to 700,000 refugees from Croatia, Bosnia and Herzegovina, among them 40,000 Muslims and 15,000 Croats. Without any discrimination, these unfortunate people have received equal treatment in spite of the extremely difficult situation prevailing in the Federal Republic of Yugoslavia as a result of the harsh sanctions.

The implications from the resolution that the Federal Republic of Yugoslavia is a party to the conflict in the former Yugoslavia are absolutely untrue and unacceptable. As has been confirmed in the reports of the Secretary-General and the United Nations Protection Force (UNPROFOR), not a single soldier of the army of Yugoslavia remained in the territory of Bosnia and Herzegovina after 19 May 1992. On the other hand, the resolution fails to mention explicitly all those truly responsible for the human rights violations, namely the Bosnian Muslims, the Bosnian Croats and the authorities of the Republic of Croatia whose regular army units are engaged in the war operations in Bosnia and Herzegovina. In the Secretary-General's report to the General Assembly of 3 December 1992 (A/47/747), it was stated that "several brigades of the Croatian Army are actively engaged in the conflict in ... Bosnia and Herzegovina".

There are no innocents in a civil war. Horrible crimes and atrocities have been committed by all parties in the territory of the former Yugoslavia. The Federal Republic of Yugoslavia has always maintained that all those responsible for atrocities and breaches of humanitarian law should be brought to justice. In that regard, the Government of the Federal Republic of Yugoslavia supports and is cooperating with the Commission of Experts established by Security Council resolution 780 (1992) of 6 October 1992.

What is unacceptable, however, is that the resolution unjustly holds the Bosnian Serbs primarily responsible for human rights and violations of international law and ethnic cleansing in particular. Putting the blame solely on the Serbs and demonizing the Serbian nation as a whole cannot help the

resolution of the conflict and excuse all others who are responsible in the civil, ethnic and religious war in Bosnia and Herzegovina.

It is the height of cynicism that violations of human rights and atrocities committed by Croatian and Muslim forces should be totally ignored. In the last six months in Bosnia and Herzegovina, as has been widely reported in the media and confirmed by the United Nations reports, fighting is going on between the Croats and Muslims, coupled with massive violations of human rights, ethnic cleansing and indiscriminate destruction.

4. In the resolution, exclusive responsibility and blame for the practice of ethnic cleansing is placed on the Serbian authorities in Bosnia and Herzegovina and Croatia as well as in the Federal Republic of Yugoslavia. The Federal Republic of Yugoslavia unreservedly condemned the abhorrent crime of ethnic cleansing by whomever it was committed and wherever it occurred. It has also strongly opposed the holding of hostages, shelling of cities, destruction of villages, infrastructure, churches and cultural monuments. The resolution makes no reference, however, to the ethnic cleansing continuously committed over the last decades against the Serbs and Montenegrins in Kosovo and Metohija, the exodus of more than 250,000 Serbs from Croatia and Krajina since 1991, as was confirmed in the Secretary-General's report (S/25777 and Corr.1) and the ethnic cleansing of Serbs from western Herzegovina and some other parts of Bosnia and Herzegovina.

The international public is insufficiently aware of the suffering and status of Serbs outside the Federal Republic of Yugoslavia, especially in Croatia, where they are subject to permanent pressure, dismissal from work, conversion to Catholicism by force as well as to well-known forms of ethnic cleansing, as was the case of 180 Serbian villages in western Slavonia which have been completely "cleansed" of Serbs.

The territories of western Herzegovina and the valley of the Neretva river are now virtually ethnically clean of Serbs. The Federal Republic of Yugoslavia has advocated all along the position that all those responsible for committing war crimes in the territory of the former Yugoslavia should be prosecuted and adequately punished.

5. The escalation of the propaganda culminating in biased and insulting accusations of rape with which exclusively Serbs were charged represents a collective accusation of an entire people which is, inter alia, contrary to international human rights norms. Emphasizing exclusively the victims of one side means discrimination against victims of war, undermining the whole human rights system, particularly the most widely accepted International Convention on the Elimination of All Forms of Racial Discrimination. 1/

A more realistic and more objective approach was adopted for the first time after the visit of a team of the human rights Special Rapporteur, Mr. T. Mazowiecki, who assessed that there were about 12,000 cases of rape on all sides (only 119 corroborated). At the session of the European Parliament Committee for the Rights of Women, Mrs. Simon Veil expressed reservations with regard to the report submitted to the Committee. Furthermore, the second report of the Commission of Experts established pursuant to Security Council resolution

780 (1992) for investigation of war crimes in the former Yugoslavia (S/26545, annex) indicates that the Commission managed to provide evidence only for 330 cases of rape on all sides. Irrespective of the relatively small number of corroborated cases of rape compared to the corroborated accusations that 60,000 Muslim women were raped, this by no means justifies the perpetrators of these horrible acts against moral, physical and mental integrity of the individual.

6. The accusations contained in the resolution against the Federal Republic of Yugoslavia are totally baseless and full of arbitrary conclusions and false assertions. It is incomprehensible that the authors of the resolution addressed the human rights situation in the Federal Republic of Yugoslavia where there is no war, ethnic cleansing or destruction but only suffering from the severe sanctions in the context of dealing with the grave consequences of human rights violations as a result of conflict in Bosnia and Herzegovina and UNPAs.

The situation in the Province of Kosovo and Metohija is not a case of human rights violations but the result of a policy of separatism, secession and unwillingness of the leading political parties of the Albanian minority to cooperate with the legal authorities of the Federal Republic of Yugoslavia and the Republic of Serbia.

The allegations of oppression, police terror, lay-offs and other discriminatory practices against the Albanian minority in Kosovo and Metohija by the authorities of the Federal Republic of Yugoslavia and the Republic of Serbia are untrue and utterly malicious. Those are extremely generalized and uncorroborated allegations based on unverified information.

The major problem in Kosovo and Metohija is the obstruction by a part of the Albanian minority of the constitutional system and legal authorities of the Federal Republic of Yugoslavia and the Republic of Serbia. Under the pressure of separatist political parties, encouraged by certain powerful international factors and some neighbouring countries, a parallel system of power has been established in Kosovo and Metohija and the so-called "Republic of Kosovo" has been illegally proclaimed. Kosovo and Metohija are an integral and inalienable part of the Federal Republic of Yugoslavia and the Republic of Serbia. Through the policy of intimidation and anti-Serbian and anti-Yugoslav propaganda, the members of the Albanian minority have quitted their jobs voluntarily, they prohibit their children from attending official schools and obstruct all duties which in any way imply the recognition of the legal authority of the Republic of Serbia and the Federal Republic of Yugoslavia. A glaring example is the general boycott of the 1990 and 1992 elections at the republic and federal levels. The Albanian separatist political parties announced that the forthcoming 1993 parliamentary elections in the Republic of Serbia will also be boycotted. The Albanian national minority in Kosovo and Metohija has chosen self-imposed exclusion from political life in the country in which they live.

All national minorities in the Federal Republic of Yugoslavia enjoy the same rights as other citizens without any discrimination. Moreover, national minorities are entitled to additional protection which by far exceeds United Nations and CSCE standards. Those rights are guaranteed both by the

Constitution of the Federal Republic of Yugoslavia and of the Republic of Serbia.

These Constitutions guarantee Vojvodina and Kosova and Metohija the status of autonomous provinces, and fully protect the rights of national minorities living there. But, in every State based on the rule of law and democratic principles, in addition to rights, each citizen has also certain duties. Not only the members of the national minorities enjoy equal rights but naturally they have the same duties as well.

The question of human rights violations in Raska region (the so-called Sandzak) and Vojvodina is exaggerated and the Government of the Federal Republic of Yugoslavia strongly rejects any allegation concerning the alleged discriminatory practices in favour of the Serbian population "which are intended to change the ethnic structure of those areas".

It is particularly disturbing that the Federal Republic of Yugoslavia has been referred to in the context of detention camps. There are absolutely no detention camps, prisons or other places of detention, missing persons or arbitrarily or illegally detained persons in the Federal Republic of Yugoslavia. The Federal Republic of Yugoslavia has repeatedly expressed its readiness to allow those who claim that such camps exist on its territory to come and check it first hand. Even though such interest was not demonstrated the charges persist.

The Federal Republic of Yugoslavia is particularly unjustifiably accused that it allegedly denied its hospitality to the CSCE missions of long duration to Kosovo, Raska and Vojvodina. It is not true that the Government of the Federal Republic of Yugoslavia "expelled" the CSCE missions of long duration. The missions discontinued their work upon the expiry of their mandate under the protocol concerning the extension of the memorandum of understanding of 28 April 1993 and negotiations to extend their stay were not renewed because of the lack of readiness and political will on the part of the competent CSCE bodies to cooperate with the Federal Republic of Yugoslavia as an equal partner. It is well known that at the 13th meeting of the CSCE Committee of Senior Officials, held on 8 July 1992, the Federal Republic of Yugoslavia was suspended from CSCE and its representatives were denied the right to participate in meetings and activities of this organization. This is totally unacceptable to the Federal Republic of Yugoslavia, as it is in contravention of the principles of equality and sovereignty and detrimental to mutual cooperation and the entire CSCE process. In such a situation, the activities of the CSCE missions of long duration could be considered only in the context of the normalization of the status of the Federal Republic of Yugoslavia within CSCE. It implies the lifting of the suspension decision and full reintegration of the Federal Republic of Yugoslavia in CSCE as a sovereign State.

7. The authors of the resolution, by ignoring the violations of human rights against the Serbs in Croatia, UNPAs and in Bosnia and Herzegovina and exclusively pinning the blame on the Serbs, are joining in the chorus of hatred against the Serbian nation as a whole in an unprecedented effort to ostracize them, turn them into an international pariah and ultimately justify the genocide which is being committed against them.

The resolution makes no mention whatsoever of the massive violations of the fundamental human rights as a result of the sanctions imposed by the international community against the Federal Republic of Yugoslavia. In the most comprehensive and severe regime of sanctions ever imposed against any State, the most vulnerable segments of the population are the hardest hit: newborn babies, children, the elderly and the sick. As a result of the strict implementation of the sanctions and slow and restrictive procedures of the Sanctions Committee, even humanitarian products which are exempt from sanctions are not reaching those in need, contributing to the ruining of a whole nation.

Instead of supporting and encouraging democratic processes in the Federal Republic of Yugoslavia, the international community opted for severe and unwarranted punishment of its entire population. That has resulted in a drastic deterioration of living standards of all its citizens, including the members of national minorities.

8. The Government of the Federal Republic of Yugoslavia fully supports the activities of the United Nations aimed at improving the situation of human rights and humanitarian law in the territories of the former Socialist Federal Republic of Yugoslavia still affected by the armed conflict, especially in Bosnia and Herzegovina. The Federal Republic of Yugoslavia is fully prepared to continue to contribute to the achievement of a just and lasting solution to the crisis in the former Yugoslavia within the Geneva Conference.

Despite the heavy burden of the sanctions, the Federal Republic of Yugoslavia will continue to assist and facilitate humanitarian aid to war-stricken areas.

The Government of the Federal Republic of Yugoslavia is convinced that the political resolution of the crisis in the former Yugoslavia will create the conditions not only for the improvement of the situation in the field of human rights but also enable the development of the region as a whole and its full inclusion in European integration processes.

I should be grateful if you would have this letter circulated as a document of the General Assembly under agenda item 114 (c).

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.

Notes

1/ Resolution 2106 A (XX), annex.